



Our Docket No: 3801P002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:

Ratterman, et al.

Serial No.: 09/503,960

Filed: February 14, 2000

For: DETERMINING A COMMUNITY RATING FOR  
A USER USING FEEDBACK RATINGS OF  
RELATED USERS IN AN ELECTRONIC  
ENVIRONMENT

) Examiner: Not yet assigned

) Art Unit: 2766

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**PETITION TO MAKE SPECIAL FOR PENDING APPLICATION**  
**(37 C.F.R. § 1.102(d), MPEP § 708.02, VIII)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**A. Petition and Fee**

Applicants hereby petition to make this new application special. This application has not received any examination by an Examiner.

Applicants hereby enclose a check in the amount of \$130.00 for the petition fee required by 37 C.F.R. § 1.17(i). Furthermore, the Commissioner is hereby authorized to charge payment of any fee due any under 37 C.F.R. §§ 1.16 and § 1.17 associated with this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 or credit any overpayment to Deposit Account No. 02-2666.

**B. Claims**

Preliminary Amendment A is being filed herewith to amend claims 1, 12, 13, and 18. Either (1) all pending claims in this application are directed to a single invention, or (2) if the Office determines that all the claims are not obviously

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directed to a single invention, applicants will make an election without traverse in response to notification under the established telephone restriction practice.

### **C. Search**

A search has been made by the Patent Cooperation Treaty, wherein the U.S. has been designated as the International Preliminary Examining Authority. A copy of the written opinion is included with this communication.

### **D. Copies of the References / Information Disclosure Statement**

Copies of the references identified in the PCT Written Opinion as being most closely related to the subject matter encompassed by the claims are listed on a PTO-1449 form submitted concurrently herewith.

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO-1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form PTO-1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed

invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

#### **E. Detailed Discussion of the References**

The references identified in the PCT Written Opinion fail to establish a prima facie case of obviousness as the references, individually or in combination, neither teach nor suggest all the claim elements and limitations. Moreover, there is no teaching or suggestion in these references for their combination; and even assuming there is such teaching or suggestion, no combination of these references teaches or suggests the invention as claimed. Therefore, Applicants believe all pending claims are allowable over these references.

A description of the invention is hereinafter presented, which is followed by a detailed discussion of each of the cited references in the PCT Written Opinion and how the claimed subject matter is patentable over each of these references.

Specifically, each of claims 1-20 requires:

- that a characteristic value be maintained for each user in a relationship tree of users; and
- deriving a community rating for a particular user by performing a function on the characteristic values of the users that are related to the particular user.

None of the references, individually or in combination, teaches Applicant's invention as recited by the claims.

**Epinions.com** ("What is the web of trust?", Epinions.com FAQ sheet.

Downloaded 11/13/201 from the internet URL

[http://www.epinionhs.com/help/faq/?show=faq\\_wot#001](http://www.epinionhs.com/help/faq/?show=faq_wot#001)) discloses the concept of a web of trust, or a network of reviewers whose reviews and ratings are those that have found to be valuable.

**Nielsen** ("Reputation Managers are Happening", hereinafter "Nielsen"). Nielsen discloses the concept of a reputation manager, which is defined as an independent service that keeps track of the rated quality, credibility, or some other desirable metric for each element in a set, where the things being rated include websites, companies, products, or people. Nielsen also discloses epinions.com as a double reputation manager that rates products and services, as well as the raters themselves.

**Patience** ("Epinions Launches Online Shopping Guide Built On Trust", hereinafter "Patience"). Patience discloses that epinions.com has a "web of trust" concept where reviewers of a product can rate previous reviewers of the product, and can further group together the reviewers.

**Ekstrom** ("A Rating System for AEC E-Bidding", hereinafter "Ekstrom"). Ekstrom discloses the concept of rating systems. It discloses the concept of "indirect trust", or the web-of-trust, as provided by epinions.com, in which you trust a person because someone you trust trusts that person. Ekstrom, "A Rating System for AEC e-Bidding" has a date subsequent to the priority date of the present invention. Ekstrom is dated November 27, 2000, and the priority date of the present invention is February 14, 2000. Without this reference, there is no description of the web-of-trust concept to support a lack of inventive step. At best, the two other references teach that Epinions allows reviewers to be rated, and allows a web-of-trust to be established by a reviewer. The other two references do not establish hierarchical relationships, or an n-ary tree, as required by the Applicants' invention as recited by the claims. Even to the extent that Ekstrom could be used, it does not provide the motivation to combine it with the other two references cannot be found in Ekstrom or in the other two references.

Ekstrom and Patience both disclose a relationship tree as part of the web-of-trust concept of Epinion.com (hereinafter "Epinion"). In Epinion, users rate reviewers based on how helpful or not the user finds a reviewer's opinion or

write-up of a given product. The more helpful a given reviewer's opinions are, the more highly rated that reviewer will be - that reviewer's opinions will be more visible for products that the relevant reviewer has reviewed than other reviewers who have reviewed the same product. The relevant reviewer may also rate other reviewers. By rating other reviewers, the relevant reviewer will have valuable opinions available when looking for products to buy.

Furthermore, the relevant reviewer may select other reviewers that the relevant reviewer trusts in order to develop a web-of-trust that includes the other reviewers as well as those reviewers that the other reviewers trust, and so forth. Thus, when the relevant reviewer seeks opinions on a product he may wish to purchase, the opinions of those reviewers he trusts will be displayed, as well as the opinions of those in the web-of-trust (or if the direct reviewers do not have opinions, the opinions of their descendants may be displayed instead).

The Applicants' invention as recited by the claims requires that a characteristic value be maintained for each user, and furthermore that the characteristic values be used in a relationship tree. Furthermore, the invention as recited by the claims requires the concept of "deriving a community rating" based on the relationship tree, and that the community rating be derived from the maintained characteristic values for users related to a given user.

None of the references teaches or suggests forming the nexus between characteristic values and using those characteristic values in a relationship tree as required by the claims. In other words, while a reviewer may be rated, that reviewer's rating is not linked to the web-of-trust that the user has, and therefore, is not derived from the web-of-trust. Therefore, there appears to lack any teaching or suggestion that those characteristic values are used in a relationship tree, and furthermore that a community rating is derived from the values in the relationship tree.

The web-of-trust concept of epinions.com that is discussed in the references does not teach deriving a community rating based on characteristic

values of users related to a particular user being rated. In Epinions.com, a rating of a relevant reviewer is derived from an indication of trust from other reviewers, and is not derived by performing a function on the characteristic values of the users that are **related** to a particular user.

For at least these reasons, claims 1-20 are believed to be allowable over the references cited in the PTO Written Opinion.

## CONCLUSION

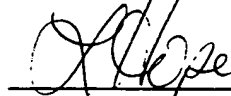
For at least the reasons discussed herein, the references identified in the PCT Written Opinion fail to establish a prima facie case of anticipation or obviousness as the references, individually or in combination, neither teach nor suggest all the claim elements and limitations. Therefore, claims 1-20 are believed to be allowable.

In view of the above remarks, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



Libby H. Hope  
Reg. No. 46,774

Dated: March 13, 2002

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1030  
(303) 740-1980